



**CITY OF SUNNYVALE
REPORT
Planning Commission**

February 28, 2005

SUBJECT **2004-0912 - Ale Gicqueau** [Appellant/Owner]: Appeal of Decision by the Director of Community Development denying a Design Review to allow a 200 square-foot second-floor deck off the rear-left side of the residence. The property is located at **848 Pagoda Tree Court** in an R-0 (Low-Density Residential) Zoning District.

REPORT IN BRIEF

Existing Site Conditions Single-family Home

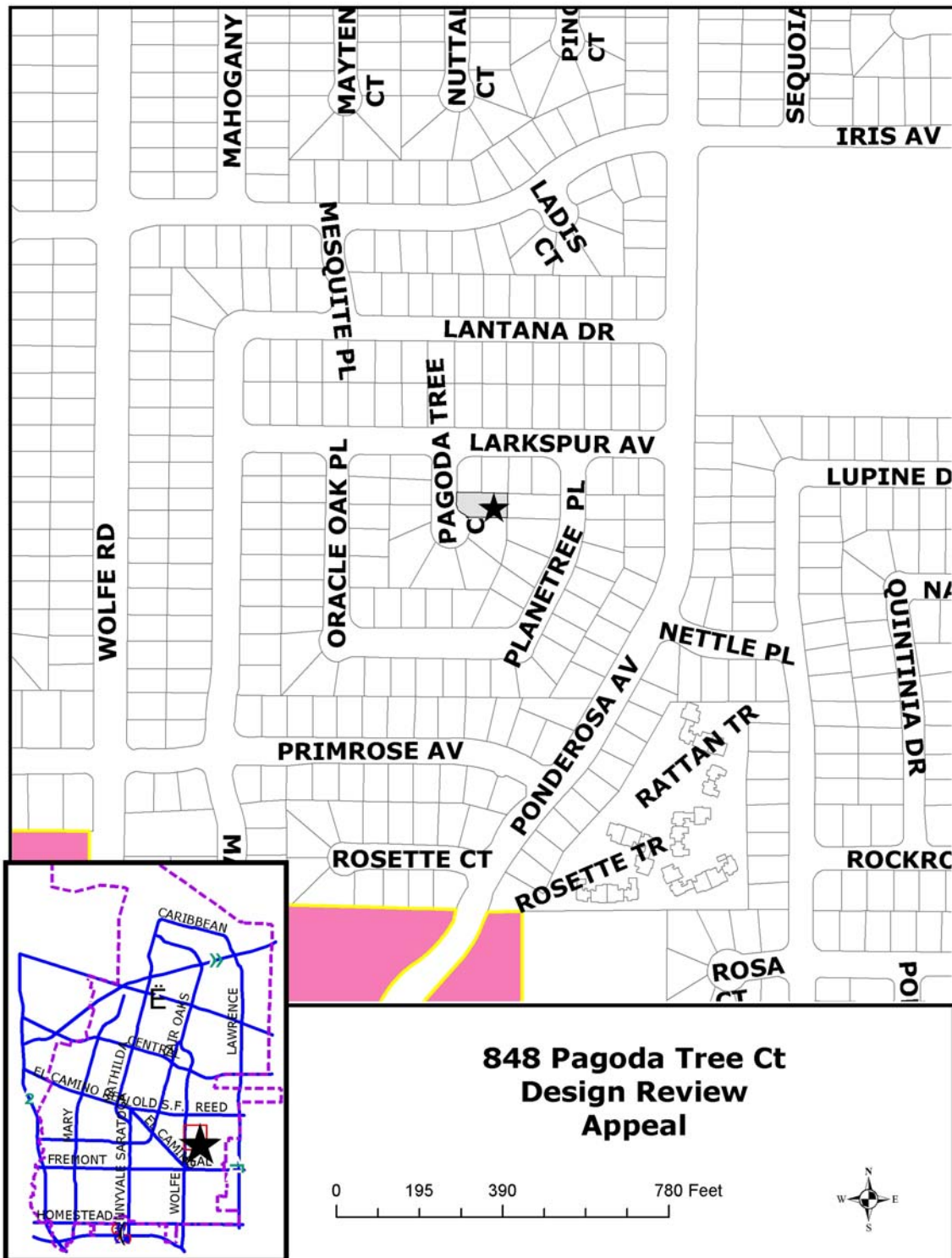
Surrounding Land Uses

North	Single-family Home
South	Single-family Home
East	Single-family Home
West	Single-family Home

Issues Neighborhood Compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the Appeal and uphold the decision of the Director of Community Development to deny the Design Review.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	---
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	6,771	Same	6,000 min.
Gross Floor Area (s.f.)	2,490	2,890	3,047 max.
Lot Coverage (%)	33%	36%	40% max.
Floor Area Ratio (FAR)	37%	43%	45% max. without PC review
No. of Stories	2	2	2 max.
Setbacks (Facing Property)			
• Front	34'	Same	20 min.
• Left Side	7'6"	7'6"	6'6" min.
• Right Side	5'6"	5'6"	5'6" min.
• Rear	30'	30'	20' min.

ANALYSIS**Description of Proposed Project**

The applicant proposes to add a second story deck (approximately 200 s.f. in size) cantilevered over the patio at the rear left side of the home that would overlook the existing pool. The deck would be uncovered and supported by steel posts. The deck would be 8'0" from the ground to the bottom of the deck. The top of the deck would be approximately 10' above the ground, with 3'6" railings around all sides. Access to the deck would be only from the second floor portion of the house, not by external stairs. There is no other addition proposed at this time, just the outside deck.

Background

The applicant submitted a Design Review application in November 2004 for the second story deck at the rear of the residence. Notices were sent to the adjacent neighbors. After review of the proposal, and discussions with the neighbors to the left of the property, staff denied the application. The applicant appealed the decision in December 2004.

Previous Actions on the Site: There are no previous planning applications related to the subject site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor accessory structures.

Design Review

Site Layout: The home currently includes a second story addition that is partially above the existing home and partially cantilevered over the backyard patio. The proposed second story deck will extend towards the rear of the property 9'4", which is the same dimension as the second story addition. The deck extends 21'6" across the length of the home to meet the required setback on the left side. The proposed deck meets all setback and lot coverage requirements.

The proposed deck does not interfere with solar access to the rooftop of any structure or to any existing active solar collectors on nearby property. The proposed project meets the solar access requirements per the Sunnyvale Municipal Code Chapter 19.56.020.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<i>3.6.D.; Second story decks should not intrude on the privacy of adjacent neighbors.</i>	The proposal would have a significant and detrimental impact on the privacy and tranquility of the adjacent neighbors, particularly those to the immediate left of the project.

Architecture: The existing home has a second story addition which extends from the ground floor and projects approximately 11'6" over the rear patio. The deck proposes to follow the line of the addition across the patio to end at the side of the home. The access to the deck would be only from new French doors opening from the second story addition and not from external stairs. The deck would be made of wood and have 3'6" railings around the perimeter. The deck would look out over the existing swimming pool.

The architecture of the deck would not be inconsistent with the City guidelines because it meets the setbacks, lot coverage, floor area ratio and height criteria.

Expected Impact on the Surroundings

The proposed second story rear deck would have a significant and detrimental effect on the privacy of the adjacent neighbors. The lot to the left of the deck is situated so the deck would look into that neighbor's back yard, not side yard. There is currently landscaping along the property line which will help screen the views from the deck, but people on the deck would have the possibility of looking directly into the neighbors back yard. The deck is not visible from the front yard or from the property owner to the right of the lot.

Public Contact

The property owner at 954 Larkspur Avenue contacted the City to voice opposition to the proposed deck.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 27 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment 1) were not made; however, if the Commission or City Council) is able to make the required findings, staff is recommending the Conditions of Approval (Attachment 2).

Conditions of Approval: Conditions of Approval are located in Attachment 2.

Alternatives

1. Deny the appeal for a Design Review in accordance with staff's recommendation.
2. Approve the appeal for the Design Review Permit subject to conditions of approval.
3. Approve the appeal for the Design Review Permit subject to conditions of approval with modifications.

Recommendation

Recommend Alternative 1.

Prepared by:

Andrew Miner
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Letters from Other Interested Parties
- F. Photographs

Recommended Findings – Design Review

The proposed project is not considered desirable by staff because the project's design and architecture does not conform to the policies and principles of the Single Family Home Design Techniques.

Basic Design Principle	Comments
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	The deck extends an outside living space above ground and within 7'6" of the adjoining neighbor's back yard property line, which would infringe on the neighbor's private space.
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The second story deck would not be in character with the adjacent neighborhood.
<i>2.2.3 Design homes to respect their immediate neighbors</i>	An outside second-story deck (approximately 10' above the ground) could infringe on the immediate neighbors privacy.
<i>2.2.6 Use high quality materials and craftsmanship</i>	The proposal is for a wood deck, which would need to be appropriately engineered and painted to match the existing home.
<i>2.2.7 Preserve mature landscaping</i>	The mature landscaping along the side yard of the property is all that's obstructing the view of the deck from the neighboring properties. There are no requirements in the City Code that would require this landscaping to be maintained and not removed in the future.

Recommended Conditions of Approval – Design Review

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The one-year expiration date of the Design Review shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
- B. The project must be in substantial conformity with the approved plans. Any major site and/or architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing, except that minor changes may be approved at staff level by the Director of Community Development.
- C. Obtain Building Permits.
- D. The deck shall be painted to match the existing home.
- E. Every effort needs to be used to maintain the mature landscaping along the property lines to ensure the deck remains screened from adjacent properties.